

**AMENDED PERMIT TO TAKE WATER**  
Surface and Ground Water  
NUMBER 1238-BBLKNE

*Pursuant to Section 34.1 of the Ontario Water Resources Act, R.S.O. 1990 this Permit To Take Water is hereby issued to:*

Ferma Aggregates Inc.  
Unit 11 - 1 Steinway Blvd  
Etobicoke, Ontario, M9W 6H9  
Canada

*For the water taking from:* Carden Quarry - Sump Pond A

*Located at:* Lot 6-10, Concession 9, Geographic Township of Carden  
Kawartha Lakes

*For the purposes of this Permit, and the terms and conditions specified below, the following definitions apply:*

**DEFINITIONS**

- (a) "Director" means any person appointed in writing as a Director pursuant to section 5 of the OWRA for the purposes of section 34.1, OWRA.
- (b) "Provincial Officer" means any person designated in writing by the Minister as a Provincial Officer pursuant to section 5 of the OWRA.
- (c) "Ministry" means Ontario Ministry of the Environment, Conservation and Parks.
- (d) "District Office" means the Peterborough District Office.
- (e) "Permit" means this Permit to Take Water No. 1238-BBLKNE including its Schedules, if any, issued in accordance with Section 34.1 of the OWRA.
- (f) "Permit Holder" means Ferma Aggregates Inc..
- (g) "OWRA " means the *Ontario Water Resources Act*, R.S.O. 1990, c. O. 40, as amended.

*You are hereby notified that this Permit is issued subject to the terms and conditions outlined below:*

## **TERMS AND CONDITIONS**

### **1. Compliance with Permit**

- 1.1 Except where modified by this Permit, the water taking shall be in accordance with the application for this Permit To Take Water, dated January 15, 2019 and signed by David W. Kennedy, and all Schedules included in this Permit.
- 1.2 The Permit Holder shall ensure that any person authorized by the Permit Holder to take water under this Permit is provided with a copy of this Permit and shall take all reasonable measures to ensure that any such person complies with the conditions of this Permit.
- 1.3 Any person authorized by the Permit Holder to take water under this Permit shall comply with the conditions of this Permit.
- 1.4 This Permit is not transferable to another person.
- 1.5 This Permit provides the Permit Holder with permission to take water in accordance with the conditions of this Permit, up to the date of the expiry of this Permit. This Permit does not constitute a legal right, vested or otherwise, to a water allocation, and the issuance of this Permit does not guarantee that, upon its expiry, it will be renewed.
- 1.6 The Permit Holder shall keep this Permit available at all times at or near the site of the taking, and shall produce this Permit immediately for inspection by a Provincial Officer upon his or her request.
- 1.7 The Permit Holder shall report any changes of address to the Director within thirty days of any such change. The Permit Holder shall report any change of ownership of the property for which this Permit is issued within thirty days of any such change. A change in ownership in the property shall cause this Permit to be cancelled.

### **2. General Conditions and Interpretation**

- 2.1 Inspections  
The Permit Holder must forthwith, upon presentation of credentials, permit a Provincial Officer to carry out any and all inspections authorized by the OWRA, the *Environmental Protection Act*, R.S.O. 1990, the *Pesticides Act*, R.S.O. 1990, or the *Safe Drinking Water Act*, S. O. 2002.

## 2.2 Other Approvals

The issuance of, and compliance with this Permit, does not:

- (a) relieve the Permit Holder or any other person from any obligation to comply with any other applicable legal requirements, including the provisions of the *Ontario Water Resources Act* , and the *Environmental Protection Act* , and any regulations made thereunder; or
- (b) limit in any way any authority of the Ministry, a Director, or a Provincial Officer, including the authority to require certain steps be taken or to require the Permit Holder to furnish any further information related to this Permit.

## 2.3 Information

The receipt of any information by the Ministry, the failure of the Ministry to take any action or require any person to take any action in relation to the information, or the failure of a Provincial Officer to prosecute any person in relation to the information, shall not be construed as:

- (a) an approval, waiver or justification by the Ministry of any act or omission of any person that contravenes this Permit or other legal requirement; or
- (b) acceptance by the Ministry of the information's completeness or accuracy.

## 2.4 Rights of Action

The issuance of, and compliance with this Permit shall not be construed as precluding or limiting any legal claims or rights of action that any person, including the Crown in right of Ontario or any agency thereof, has or may have against the Permit Holder, its officers, employees, agents, and contractors.

## 2.5 Severability

The requirements of this Permit are severable. If any requirements of this Permit, or the application of any requirements of this Permit to any circumstance, is held invalid or unenforceable, the application of such requirements to other circumstances and the remainder of this Permit shall not be affected thereby.

## 2.6 Conflicts

Where there is a conflict between a provision of any submitted document referred to in this Permit, including its Schedules, and the conditions of this Permit, the conditions in this Permit shall take precedence.

# 3. Water Takings Authorized by This Permit

## 3.1 Expiry

This Permit expires on **April 26, 2029**. No water shall be taken under authority of this Permit after the expiry date.

### 3.2 Amounts of Taking Permitted

The Permit Holder shall only take water from the source, during the periods and at the rates and amounts of taking specified in Table A. Water takings are authorized only for the purposes specified in Table A.

**Table A**

	Source Name / Description:	Source: Type:	Taking Specific Purpose:	Taking Major Category:	Max. Taken per Minute (litres):	Max. Num. of Hrs Taken per Day:	Max. Taken per Day (litres):	Max. Num. of Days Taken per Year:	Zone/ Easting/ Northing:
1	Carden Quarry Sump Pond A - Spring & Rainfall Dewatering	Pond Quarry	Other - Dewatering	Dewatering	3,600	24	5,184,000	60	17 660880 4943809
2	Carden Quarry Sump Pond A - Maintenance Dewatering	Pond Quarry	Other - Dewatering	Dewatering	1,500	24	2,160,000	305	17 660880 4943809
3	Carden Quarry Sump Pond A - Dust Control	Pond Quarry	Other - Miscellaneous	Miscellaneous	1,080	24	842,400	365	17 660880 4943809
							<b>Total Taking:</b>	5,184,000	

## 4. Monitoring

- 4.1 The Permit Holder shall maintain a record of all water takings. This record shall include the dates and times of water takings, and the total measured/estimated amounts of water taken per day for each day that water is taken under the authorization of this Permit. A separate record shall be maintained for each source. The Permit Holder shall keep all required records up to date and available at or near the site of the taking and shall produce the records immediately for inspection by a Provincial Officer upon his or her request.
- 4.2 The Permit Holder shall ensure the total amounts of water taken for the purposes of quarry dewatering, aggregate washing, and concrete production are to be measured using a totalizing flow meter. The Permit Holder shall ensure that the total amounts of water taken for the purpose of dust suppression and construction are estimated based on the number of truck loads of water used per day.
- 4.3 The Permit Holder shall carry out the groundwater, surface water, and natural environment monitoring programs as outlined in Item 1 of Schedule A of this Permit. Monitoring locations are shown on the

site plan included as Item 2 of Schedule A of this Permit.

- 4.4 Within two years of the issuance of this Permit, the Permit Holder shall obtain the services of an appropriately qualified and licensed well technician to complete open boreholes MW4 and W22 as multi-level monitoring wells. Monitoring intervals should be determined based on discrete interval hydraulic testing and completed in consultation with and to the satisfaction of the Director. Once installed, the new monitoring locations should be included in the groundwater monitoring program and monitored on a monthly basis. All monitoring well installations and alterations must be completed in accordance with the wells regulation (R.R.O. 1990, Regulation 903, as amended made under the Ontario Water Resources Act, R.S.O. 1990, c. O. 40).
- 4.5 The Permit Holder shall ensure that all hydrogeological data is assessed on an ongoing basis by a Professional Geoscientist or qualified Professional Engineer in order to determine if there is a significant deviation(s) in the predicted groundwater impact beyond that established in support of the application for this Permit that would require contingency actions be implemented.
- 4.6 The Permit Holder shall retain a Professional Geoscientist or qualified Professional Engineer to prepare an annual report. The report shall contain, but not be limited to the following:
- a) a summary of site operations;
  - b) a summary of all water takings;
  - c) a statement of compliance with respect to the conditions of this Permit;
  - d) An assessment of all monitoring wells included in the monitoring program and a summary of any maintenance that was conducted or is recommended;
  - e) A discussion of the groundwater monitoring activities conducted including any deviations from the approved monitoring program;
  - f) An assessment of all pertinent geological and hydrogeological data;
  - g) A comparison of actual versus predicted groundwater draw downs and inflows.
  - h) Assess the potential for water takings to cause adverse effects groundwater users and /or surface water features;
  - e) A summary of any well interference complaints received;
  - h) Recommendations on the need for changes to monitoring locations and frequency, pumping patterns and/or the need for mitigation or contingency action.
- 4.7 The Permit Holder shall provide the annual report outlined in Condition 4.6 by April 30 of each year to the Ministry's District Office. The report should be directed to the attention of the District Manager.
- 4.8 If any of the following occurs, the Permit Holder shall contact the local District Office within three (3) days of the event:
- significant deviations from the predicted impact related to the water taking are identified;
  - water quantity and/or water quality mitigation action is required or undertaken;
  - adverse effects (impacts) to area groundwater users or surface water features are

expected or observed.

- 4.9 Any application to amend or renew this Permit shall be accompanied by a report prepared by a qualified Professional Geoscientist or qualified Professional Engineer in support of any application to renew or amend this Permit. The report must evaluate the effects of previous water takings and assess the risk of adverse impacts which may be caused by the requested water taking. This report must include and assess all records of water taking and groundwater level measurements required by conditions 4.1 to 4.7 above. This report must include and assess all records of water taking and groundwater level measurements
- 4.10 The Permit Holder shall participate in a cumulative impact assessment and monitoring program for the Carden Plain area with other quarry operators who have been issued a Permit to Take Water in this area.

## **5. Impacts of the Water Taking**

### **5.1 Notification**

The Permit Holder shall immediately notify the local District Office of any complaint arising from the taking of water authorized under this Permit and shall report any action which has been taken or is proposed with regard to such complaint. The Permit Holder shall immediately notify the local District Office if the taking of water is observed to have any significant impact on the surrounding waters. After hours, calls shall be directed to the Ministry's Spills Action Centre at 1-800-268-6060.

### **5.2 For Surface-Water Takings**

The taking of water (including the taking of water into storage and the subsequent or simultaneous withdrawal from storage) shall be carried out in such a manner that streamflow is not stopped and is not reduced to a rate that will cause interference with downstream uses of water or with the natural functions of the stream.

#### **For Groundwater Takings**

If the taking of water is observed to cause any negative impact to other water supplies obtained from any adequate sources that were in use prior to initial issuance of a Permit for this water taking, the Permit Holder shall take such action necessary to make available to those affected, a supply of water equivalent in quantity and quality to their normal takings, or shall compensate such persons for their reasonable costs of so doing, or shall reduce the rate and amount of taking to prevent or alleviate the observed negative impact. Pending permanent restoration of the affected supplies, the Permit Holder shall provide, to those affected, temporary water supplies adequate to meet their normal requirements, or shall compensate such persons for their reasonable costs of doing so.

If permanent interference is caused by the water taking, the Permit Holder shall restore the water supplies of those permanently affected.



**6. Director May Amend Permit**

The Director may amend this Permit by letter requiring the Permit Holder to suspend or reduce the taking to an amount or threshold specified by the Director in the letter. The suspension or reduction in taking shall be effective immediately and may be revoked at any time upon notification by the Director. This condition does not affect your right to appeal the suspension or reduction in taking to the Environmental Review Tribunal under the *Ontario Water Resources Act* , Section 100 (4).

*The reasons for the imposition of these terms and conditions are as follows:*

1. Condition 1 is included to ensure that the conditions in this Permit are complied with and can be enforced.
2. Condition 2 is included to clarify the legal interpretation of aspects of this Permit.
3. Conditions 3 through 6 are included to protect the quality of the natural environment so as to safeguard the ecosystem and human health and foster efficient use and conservation of waters. These conditions allow for the beneficial use of waters while ensuring the fair sharing, conservation and sustainable use of the waters of Ontario. The conditions also specify the water takings that are authorized by this Permit and the scope of this Permit.

*In accordance with Section 100 of the Ontario Water Resources Act, R.S.O. 1990, you may by written notice served upon me, the Environmental Review Tribunal and the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 101 of the Ontario Water Resources Act, as amended provides that the Notice requiring a hearing shall state:*

1. The portions of the Permit or each term or condition in the Permit in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

*In addition to these legal requirements, the Notice should also include:*

- a. The name of the appellant;
- b. The address of the appellant;
- c. The Permit to Take Water number;
- d. The date of the Permit to Take Water;
- e. The name of the Director;
- f. The municipality within which the works are located;

*This notice must be served upon:*

*The Secretary  
Environmental Review Tribunal  
655 Bay Street, 15th Floor  
Toronto ON  
M5G 1E5  
Fax: (416) 326-5370  
Email:  
ERTTribunalsecretary@ontario.ca*

*AND*

*The Minister of the Environment,  
Conservation and Parks  
777 Bay Street, 5th Floor  
Toronto, Ontario  
M7J 2J3*

*AND*

*The Director, Section 34.1,  
Ministry of the Environment,  
Conservation and Parks  
1259 Gardiners Rd, PO Box  
22032  
Kingston, ON  
K7P 3J6*

***Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal:***

by Telephone at  
(416) 212-6349  
Toll Free 1(866) 448-2248

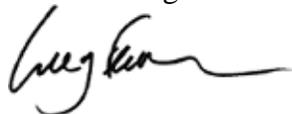
by Fax at  
(416) 326-5370  
Toll Free 1(844) 213-3474

by e-mail at  
www.ert.gov.on.ca

*This instrument is subject to Section 38 of the **Environmental Bill of Rights** that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek to appeal for 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry, you can determine when the leave to appeal period ends.*

This Permit cancels and replaces Permit Number 6475-AVGMXB, issued on 2018/04/30.

Dated at Kingston this 17th day of July, 2019.



Greg Faaren

Director, Section 34.1  
*Ontario Water Resources Act* , R.S.O. 1990

## **Schedule A**

This Schedule "A" forms part of Permit To Take Water 1238-BBLKNE, dated July 17, 2019.

### **ITEM 1:**

Table 6 (Water Monitoring Program) from the report titled " Zone-of-Influence Assessment- Addendum Report, RE: 10 Year Permit To Take Water Application, Carden Quarry" prepared by by MTE and dated December 2018.

### **ITEM 2:**

Figure 1 (Site Plan) from the report titled " Zone-of-Influence Assessment- Addendum Report, RE: 10 Year Permit To Take Water Application, Carden Quarry" prepared by by MTE and dated December 2018.